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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,115	07/21/2004	Deborah Philp	4239-64126-13	7111
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SUITE #1600 PORTLAND, OR 97204-2988			ART UNIT	PAPER NUMBER
			1654	
			MAIL DATE	DELIVERY MODE
			04/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/502,115	PHILP ET AL.		
Examiner	Art Unit		

The MAILMO DATE of this communication appears on the cover sheet with the correspondence address THE REPLY ELID 12 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. □ The reply was filed after a final rejection, but prior to ro on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must little yill enjor of the following replicits of the prior of the revidence of other evidence, which places the application in condition for allowance. (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: The period for reply expires			I TOT TEELER	1004	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidative, or other evidence, with places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods: □ The period for reply expires	The	MAILING DATE of this communication appe	ears on the cover sheet with the	ne correspondence add	ress
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a hotice of Appeal (with appeal fee) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods: a) The period for reply expires om. (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b), CNLY CHECK BOX (b) WHEN THE FIRST REPLY SHEEV WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHEN THE FIRST REPLY SHEEV WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHEN THE FIRST REPLY SHEEV WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHEN THE FIRST REPLY SHEEV WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHEN SHEEV WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHEN SHEEV WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), THE FINAL REJECTION. SEE THE FINAL REJE	THE REPLY FI	LED <u>12 December 2007</u> FAILS TO PLACE THIS	S APPLICATION IN CONDITION	N FOR ALLOWANCE.	
b)	application application for Contin	n, applicant must timely file one of the following n in condition for allowance; (2) a Notice of Appe	replies: (1) an amendment, affice eal (with appeal fee) in complian	avit, or other evidence, w ce with 37 CFR 41.31; or	hich places the (3) a Request
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1: si checked, check cilient box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed solve, in the period of the filed property originally set in fall office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL If Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise he issue of new matter (see NOTE below); (c) They raise he wissues that would require further consideration and/or search (see NOTE below); (d)	a) 🔲 The p	eriod for reply expiresmonths from the mailing	g date of the final rejection.		
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the approposal extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for repty originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any repty received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. 2. The Notice of Appeal was filed on	no eve Exami	ent, however, will the statutory period for reply expire land ner Note: If box 1 is checked, check either box (a) or (ater than SIX MONTHS from the ma (b). ONLY CHECK BOX (b) WHEN	illing date of the final rejection	n.
 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a)), to avoid dismissal of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) allowed: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 19-22.25.83.0.31 and 33-36. Claim(s) withdrawn from consideration: 1,5.9-15.17 and 18. AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 41.13(a) (1). 10. ☐ The affidavit or other evidence	Extensions of time have been filed is under 37 CFR 1.1 set forth in (b) about may reduce any e	e may be obtained under 37 CFR 1.136(a). The date the date for purposes of determining the period of ex (7(a) is calculated from: (1) the expiration date of the sove, if checked. Any reply received by the Office later earned patent term adjustment. See 37 CFR 1.704(b)	on which the petition under 37 CFR tension and the corresponding amoushortened statutory period for reply on the three months after the mailing	unt of the fee. The appropria originally set in the final Offic	ate extension fee e action; or (2) as
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3.			liance with 37 CFR 41.37 must	be filed within two months	s of the date of
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(c)	(a)☐ The	y raise new issues that would require further co	nsideration and/or search (see l		cause
NOTE: (See 37 CFR 1.116 and 41.33(a)). 4.	(c) ☐ The app	by are not deemed to place the application in betoeal; and/or	ter form for appeal by materially		ne issues for
5. Applicant's reply has overcome the following rejection(s):	NC	DTE: (See 37 CFR 1.116 and 41.33(a)).			DT01 004)
 Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:		·		Compliant Amendment (I	PTOL-324).
non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) withdrawn from consideration: 1,5,9-15,17 and 18. AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). // Christopher R. Tate/		· · · · · · · · · · · · · · · · · · ·		to timely filed emendmen	ot concoling the
how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 19-22.25, 28, 30, 31 and 33-36. Claim(s) withdrawn from consideration: 1,5,9-15,17 and 18. AFFIDAVIT OR OTHER EVIDENCE 1 The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). // Christopher R. Tate/	non-allow	able claim(s).	·	•	_
 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)	how the n The status Claim(s) a Claim(s) c Claim(s) r	ew or amended claims would be rejected is proves of the claim(s) is (or will be) as follows: allowed: bijected to: ejected: 19-22,25,28,30,31 and 33-36.	vided below or appended.		, prantation of
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13. ☐ Other: /Christopher R. Tate/	See Cor	tinuation Sheet.			ce because:
·			(PTO/SB/08) Paper No(s)	_	
·			/Christopher R. Tate	1	
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Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been carefullly considered but are not deemed persuasive. The rejections of record stand for the reasons set forth in the previous Office action.